

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# **HOUSE BILL 2130**

AN ACT

AMENDING SECTION 16-918, ARIZONA REVISED STATUTES; RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 16-918, Arizona Revised Statutes, is amended to  
3 read:

4           16-918. Campaign finance reports; notice; civil penalty;  
5           prohibition on candidacy

6       A. If a political committee fails to file a report in a timely manner  
7 as required by this chapter, the filing officer shall send written notice of  
8 the delinquency of the report to the political committee and the candidate,  
9 in the case of the candidate's campaign committee, or to the designating  
10 individual, in the case of an individual's exploratory committee. The notice  
11 shall be sent by certified mail within fifteen CALENDAR days after the filing  
12 officer determines there may be a failure to file a campaign finance report.  
13 The notice shall provide with reasonable particularity the nature of the  
14 failure and a statement of the penalties provided in this section.

15     B. A political committee, or in the case of a candidate's campaign  
16 committee, the candidate, or in the case of an exploratory committee, the  
17 designating individual, is liable for a late penalty of ten dollars for each  
18 BUSINESS day after failure to make or file a campaign finance report that is  
19 required pursuant to this chapter up to a maximum of four hundred fifty  
20 dollars. The filing officer shall not accept a campaign report unless any  
21 penalties owed as a result of this section or any penalties imposed pursuant  
22 to section 16-924 are paid with the report.

23     C. A political committee, or in the case of a candidate's campaign  
24 committee, the candidate, or in the case of an exploratory committee, the  
25 designating individual, that has failed to file within fifteen BUSINESS days  
26 after receiving a notice of delinquency pursuant to subsection A of this  
27 section is liable for a civil penalty of twenty-five dollars for each  
28 subsequent BUSINESS day that the filing is late. This penalty shall be  
29 assessed pursuant to section 16-924.

30     D. For purposes of this section, there is a failure to make and file a  
31 campaign finance report by the treasurer, the designating individual, in the  
32 case of an exploratory committee, the candidate, in the case of a candidate's  
33 campaign committee, and for all other political committees, the chairman, if  
34 any of the following occurs:

- 35       1. The report is not filed in a timely manner as prescribed by section  
36 16-913.
- 37       2. The report is not signed in accordance with section 16-913.
- 38       3. A good faith effort is not made to substantially complete the  
39 report as prescribed by section 16-915.

40     E. It is a defense to an enforcement action brought pursuant to this  
41 section if good cause is shown by the treasurer, the designating individual,  
42 in the case of an exploratory committee, or the candidate, in the case of a  
43 candidate's campaign committee, for the failure to make and file a campaign  
44 finance report. For THE purposes of this subsection, "good cause" includes  
45 an illness or absence from this state at the time the campaign finance report

1 was due or the written notice of delinquency was delivered if the illness or  
2 absence reasonably prevented the treasurer, designating individual or  
3 candidate from filing the report or receiving the written notice.

4 F. In addition to the enforcement actions prescribed by this section,  
5 a person who was a candidate for nomination or election to any local or state  
6 office and who after written notice pursuant to this section failed to make  
7 and file a campaign finance report as required by this chapter is not  
8 eligible to be a candidate for nomination or election to any local or state  
9 office for five years after the last failure to make and file a campaign  
10 finance report occurred. This penalty shall be imposed as follows:

11 1. A candidate's failure to make and file a campaign finance report  
12 with a filing officer for a jurisdiction is grounds for that filing officer  
13 to refuse the candidate's nomination paper for any public office in that  
14 jurisdiction as described in this subsection.

15 2. A candidate's failure to make and file a campaign finance report  
16 with any filing officer is grounds for a filing officer from another  
17 jurisdiction to refuse the candidate's nomination paper for any public office  
18 on presentation of a certified copy of a final order issued pursuant to  
19 section 16-924.

20 G. For a standing political committee, in addition to any late penalty  
21 and civil penalty assessed pursuant to this section, if the standing  
22 political committee makes a late filing three or more times, the standing  
23 political committee is no longer eligible for consolidated filing status  
24 pursuant to section 16-913, subsection K and shall make all of its filings in  
25 each reporting jurisdiction in which it is active.

26 H. For any political committee that has failed to file three  
27 consecutive campaign finance reports with the secretary of state as  
28 prescribed by section 16-913, the secretary of state shall send the committee  
29 chairman and treasurer a written notice of intent to suspend the political  
30 committee. The notice of intent to suspend shall state that failure of the  
31 political committee to fully comply with all filing requirements for that  
32 committee, including any required payments, within thirty CALENDAR days of  
33 the date of the notice shall result in suspension of the political  
34 committee's authority to operate in this state. On suspension of the  
35 political committee's authority to operate, the secretary of state is no  
36 longer required to provide any further notice of delinquency to the political  
37 committee. This subsection does not reduce or eliminate the political  
38 committee's continuing obligation to make campaign finance filings and pay  
39 any fines, penalties, civil penalties or other sanctions that may continue to  
40 accrue as otherwise provided by law. This subsection does not apply to  
41 reports required pursuant to article 2 of this chapter or to a candidate's  
42 campaign committee designated by that candidate pursuant to section 16-903  
43 during that election cycle.